



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,541	10/06/2003	Rick Chin	6175-059	3306
27383	7590	07/18/2007		
CLIFFORD CHANCE US LLP			EXAMINER	
31 WEST 52ND STREET			WOODS, ERIC V	
NEW YORK, NY 10019-6131			ART UNIT	PAPER NUMBER
			2628	
			MAIL DATE	DELIVERY MODE
			07/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/679,541

Applicant(s)

CHIN ET AL.

Examiner

Eric Woods

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 7-11 and 29-46.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ULKA J. CHAUHAN
PRIMARY EXAMINER

Continuation of 3. NOTE: The amendments to the claims raise new issues; specifically, the addition of the recitation 'drawing' before views changes the scope of the claim significantly, particularly given that applicant utilizes terminology such as 'drawing,' 'drawing layout,' and 'view' in a manner which significantly differentiates each term from the other, where in the art the words are synonymous. Since applicant has provided specific (cf. binding / limiting) definitions for each term (see specification and Applicant Remarks, filed 11/7/06 as an example, it must logically follow that any such amendment that further specifies "what" kind of view is being specified raises new issues and thusly its entry would be improper and contrary to MPEP 714.12-714.15. Further, there is no evidence or statement of good and sufficient reason that would support the entry of this amendment and/or an explanation of how such amendment would simplify matters for appeal, thusly not complying with 37 CFR 1.116..

Continuation of 11. does NOT place the application in condition for allowance because: Arguments are directed to amended claims that raise new issues. Quick analysis of Arguments on a page by page basis. 11 - objections to drawings and other matters are moot because entry of amendment is not proper. 12. Purported advantages of invention are not relevant to matters with respect to allegations of sufficiency of disclosure of references under a section 103 rejection. 13. Intended use of Sakai is not relevant, as a large segment is directed to graphical object viewing and manipulation, as previously emphasized, which places it as at least directed to the same problem solving area, and examiner has repeatedly argued that it is an analogous art. Examiner also now cites Figures 14a-14e, particularly 14b-14e as various examples of known 2D layouts that are subject to user definitions [0270-0273] at server side. Examiner further points at Figure 22 and [0308], where it clearly specifies "The standard views that MAY BE PROVIDED AND SELECTED BY THE USER MAY INCLUDE THE FOLLOWING: top, bottom, front, back, left, and right." Further in [0309]: "Multiple view may include a worm view ... and a bird's eye view..." wherein it is clear that Sakai is teaching that the user may select specific views. Examiner strongly disagrees with applicant's characterization of the reference on page 13 and the arguments are invalid because the reference EXPLICITLY teaches the functionality that applicant is arguing that it does not have, which examiner therefore concludes to be an erroneous argument. [0308-0309] clearly specify that the views in Figure 22 are selectable. Further, examiner submits that the ability of the user to select and manipulate the various views on the screen (e.g. the allowance of the user to manipulate the position and view of any of these particular views (e.g. rotation, zoom etc) [0308-0309] would constitute 'generating a new layout' as the computer would have to recompute and regenerate the new layout, given the nature of the display system - e.g. the operation upon a standard OS (e.g. MS Windows or an X- Windows based POSIX derivative) that uses (in the case of MS Windows) (Sakai specifies Windows in [0309]) a GDI+ type system that cannot selectively refresh windows components without a different set of system calls that is not native in this context - e.g. the application must inherently support such capability. In any event, such a change would therefore cause the generation of a second layout for at least the reasons above. Assuming arguendo that Sakai did not allow the so-called second drawing layout to be separately generated - which examiner maintains, based upon a closer reading of the facility described in [0313-0314] that Sakai at least implies that the interactive models can be provided in separate windows, where based on the description of the bend model viewer in [0300], this would again support the multiple views as specified therein. Sakai [0364, 0367, 0388-0392, and many others] clearly provide that Sakai has "multiple windows" and [0388] specifies at least a sort of rudimentary window management system. Duncan clearly allows various windows - even from the same application - to be grouped together in a master window, which would therefore be compatible with the multiple windows and window switching as provided by Sakai, at least implied by 4:8-20 and CLEARLY stated by 5:39-42: "In addition, a user may create multiple views of a single editor..." where Sakai clearly supports such functionality anyway, as described above. 14. Applicant requests citations within Duncan and Sakai for the equivalence of claimed terminology - note, for example, 6:5-20, where any kind of "view, pane, or window" which includes single frame windows (e.g. 5:19-25) can be manipulated therein and panes (5:5-20). Examiner has previously pointed this out the last Office Action, for example on pages 7 and 9. Examiner has proven and provided a prima facie case. The burden has therefore shifted to applicant to rebut.

Next, on 14, the term "window" does *NOT* merely include frame windows - as specified above, it can include panes, frame windows, and views. Therefore, applicant's arguments are inapposite. As noted above, Sakai clearly has selectable views within a frame window, but Duncan addresses by stating that panes or views within a frame window may be manipulated and included within the system of Duncan. Whether or not the conventional art contains 'inseparable' views or the like is irrelevant. Such limitation is not found in the claims and would be improper to import from the specification - see *In re Van Geuns* and MPEP 2145 (VI) [R-3].

As to pages 15 and 16, examiner asserts that multiple views of an object (according to Sakai, as above) can be windows or views within a window or both, as specified above, and Duncan can clearly handle both - see above. Finally, examiner asserts that once the windows, panes, or views have been moved to the master single frame window of Duncan, e.g. Figures 3-9, that they comprise one graphic user space / GUI window. As can be seen from Figure 9 Duncan, such master windows are also combinable into one end product, consolidated GUI window. Sakai @ [0308] teaches the listed views, wherein an orthographic view, a birds eye view, and a worm view clearly comprise multiple 3D views, and front / side / back / top / bottom comprise a plurality of available, selectable 2D views. These are not merely processed as part of the design modes. Sakai does not 'merely' teach this limitation. Sakai, as specified above, CLEARLY [0364, 0367, 0388-0392, and many more] can provide a plurality of views within one window, multiple windows, and/or both in whatever combination desired by the user, and clearly providing such as desired by the user would be obvious in light of the above, as would allowing both to be present simultaneously.

As to page 16, examiner believes that applicant is misunderstanding the argument made by examiner. The term 'transformation matrix' are applicable to kind of affine and/or scalar transform, e.g. scaling, zooming, and rotation. It is inherent that such transforms occur via matrix, and examiner will provide such additional evidence to prove inherency. Under current practice and 37 CFR 41.33, introduction of evidence after final - from either side, examiner or applicant - that is provided for good and sufficient reason may be placed into the record. In the instant case, good and sufficient reason on the part of the Office constitutes a previously unstated challenge by applicant to the inherency of such transforms, which examiner has not yet had a chance to respond to because the allegation has been placed into the record for the first time after the close of prosecution. Therefore, entry of such evidence would be proper and would not constitute new grounds of rejection as defined in 37 CFR 41.39(b).

Returning to page 16-17, Hanratty discloses the conventional drafting standard as acknowledged by applicant. However, examiner also cites to Sakai in [0270], which references that "server module 32 may support predefined or STANDARD views and orientations" where this could be read to include the conventional drafting standards as presented in drawings imported to or by the server, e.g. Figures 14a-14e. Also, 'standard' views are referred to in [0309-0310] as being provided by the bend model viewer and the like. As

such, the use of such standards is at least implied by Sakai, and Hanratty expressly provides that such views are utilized. Whether or not they are expressly used in the final product, is of course determined by the end user, as Sakai specified that the user could select the 'standard views' as in the cited paragraphs. Finally, in page 18, applicant argues that such rules would not be applicable to outputs, e.g. that the standards cited by Hanratty and Sakai would only be for finding the relationships between the various views in the drawings input to the server for determination and generations of the final 3D views and the like, but this would clearly be an obvious variation, in that the user would clearly be able to select standard views as per Sakai, which would therefore lead directly to the conclusion that the user would be able to select standard ANSI or similar views and that they would not only be applicable on the import, but also on the output and viewing of such models and drawings.

Therefore, applicant's arguments are found to be inapposite and prosecution remains closed. The request for reconsideration stands denied.